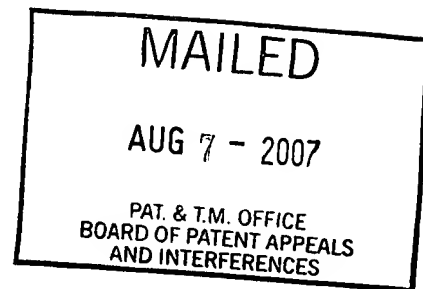


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM J. SCHAFF,
JEONGHYUN HWANG AND
BRUCE M. GREEN



Application No. 09/858,337

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 25, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On January 25, 2006, appellants filed an Appeal Brief. A review of the file reveals that claim 10 in the appendix of the Appeal Brief is not consistent as amended in the Amendment filed on March 17, 2005. The Appeal Brief Appendix of Claims (claim 10, page 20 of the appendix) reads: "(cancelled)". However, the Amendment dated March 17, 2005 (claim 10, page 3) reads:

“The method of claim 6, wherein the beams are applied at approximately 150 degrees Celsius”. Appropriate correction required.

In addition, On April 28, 2006, an Examiner’s Answer was entered into the record. In the Evidence Relied Upon section, page 2, paragraph 8, the examiner has stated, “No evidence is relied upon by the examiner in the rejection of the claims under appeal.” A review of the file reveals that references to Huang et al (U.S. 5,719,088), Yoshida (6,281,099), Parmenter et al (5,026,454) and Utumi were applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the examiner’s answer.


Before further review, the examiner must mail a PTOL-90 that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) 1207.02. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for correction of the Appendix;
- 2) issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, heading (8) of the Examiner's Answer; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/dal

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